

Introduction to classes to be presented by Prof John Hare

Welcome to the 2019 IFLOS Summer Academy! As I am only to join you in the third week of the programme next week, I thought I should give you some idea of what I hope to cover in my sessions with you – dealing with various topics of Shipping Law.

Most of the Academy courses will be concerned with what I understand to be the main focus of your studies - the law of the sea and public administration. Looking at your resumés I see that most of you come from marine and public law or administration backgrounds and are thus concerned with the public aspects of the law.

The maritime law and carriage of goods sessions in week three will focus more on the business side of shipping - which makes up the bulk of what we refer to as ‘maritime law’ or ‘shipping law’.

But shipping law is not only concerned with private and commercial law: there are many aspects of public law that have relevance to the shipping lawyer. I will start my sessions on the Tuesday morning with an introduction to what shipping law is, and what its sources are. I will examine how efforts have been made to achieve a measure of uniformity in shipping laws over the years. As you might know, I was privileged for four years to have been Secretary-General of the Comité Maritime International (the CMI). The CMI’s main mission is to promote uniformity in the domestic shipping law regimes of maritime states. Have a look at the CMI site at www.comite.maritime.org and you will see the scope of what the CMI does. There is a lot of information and documentation on the site that might be of interest to you now and in the future. I encourage you to participate in CMI events and initiatives wherever and whenever you can.

In the course of the first morning session I know I will not be able to resist the temptation of giving you an indication of what ships are all about. It is impossible to be a good shipping lawyer without knowing at least a bit about the practical aspects of shipping. If I tell you about a claim which arises from heavy weather encountered by a bulk carrier which has taken water into its No 1 hatch, or about a container ship that has had to be salvaged by a small but powerful tug in a Force 11 whole gale, you need to have some idea what each type of ship is, and how they behave (or misbehave!).

I am sure also to share with you my own experiences of having been a P&I Club correspondent in Cape Town at what is often called “the Cape of Storms”. We in Cape Town have had more than our fair share of unseaworthy rubbish ships come to grief on our shores. The world’s shipping industry went through a disastrous patch in the 1970’s and 80’s when far too many ships were lost. Although great advances have been made in the enforcement of minimum standards, there is still lots to be done. Shipping is still a dangerous business, undertaken in many instances by unscrupulous shipowners and operators for whom safety at sea is an unnecessary nuisance and expense. So ships and their crews continue to be lost, year by year. And the world generally only sits up and takes notice if there is an oil spill - particularly if there are a few forlorn looking birds to photograph for the front page. Seldom do you see photos of the seamen who have died.

In the second session on Tuesday morning I will tell you a bit about salvage and wreck. This law has its origins in English law and we will have a look at how the law of salvage and towage developed. It is an interesting story, tied to the growth of shipping in the 19th century - at a time when English maritime trade was at its zenith.

Salvage law is now regulated to a large extent by the London Salvage Convention of 1989. A copy of the convention will be put into my folder on the IFLOS site. On the site you will also find the Lloyd's Standard Form of Salvage Agreement and what is called the SCOPIC clause. Salvage law is perhaps the most exciting work a shipping lawyer can do. I hope to share some of this enthusiasm with you. Towage is a bit more mundane, but it is often done in extreme circumstances, and its law stands side-by-side with that of salvage. I will include in my folder on the IFLOS site two chapters from my own textbook on Shipping Law dealing with salvage and towage. You may like to browse through these before we meet.

Wreck is just too interesting an area of shipping law to leave out: I will deal with the basics of wreck law - giving the notion of "Abandon Ship!" an altogether different slant. It is likely that we will run short of time (I need to tell you a bit about the law that the wreck of the *Titanic* has given rise to). I will add a copy of my wreck chapter too.

Wednesday will be for Carriage of Goods by Sea - though we will see that nowadays its not always by sea, because there are often road and rail legs involved. Our task is to have a look at the international regimes that govern the carriage of goods (at least partly) by sea. We will gallop through the Hague Rules, Hague-Visby Rules, Hamburg Rules and the Rotterdam Rules. I will try to work through some examples to show you the significant differences in these regimes. This will tie in with Prof Filippo Lorenzon's classes on dealing with Bills of Lading and Charterparties.

Thursday morning I will deal with the beginnings and the end of ships - building buying and scrapping. It's quite an interesting mix, especially scrapping which has a distinct public law flavour to it. Marine Insurance is the second session on Thursday morning. We can only have a bird's eye view of the subject, but I will outline the workings of the marine insurance market, centred largely on Lloyds of London. And then we will work through a scenario that illustrates the workings of the different types of marine policy that you come across in practice.

I will use Powerpoint slides, and I will after each class put the slides onto the IFLOS site. I will try to provide you with hardcopy of the basics of the slides so that you have it in class.

I look forward to meeting you all and to spending time with you at the Summer Academy. Enjoy the programme this week - I will see you on Tuesday 6th August. If you have any queries, please email me at john.hare@uct.ac.za.



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